IN THE HIGH COURT OF BOMBAY AT GOA

MISCELLANEOUS CIVIL APPLICATION NO. 230 OF 2006
AND
CIVIL APPLICATION NO. 95 OF 2006

1. Bablo P. Prabhu,
Junior Engineer,
Presently working
in W.D.III Water
Resources Department,
Ponda, resident of
Usgao, Ponda, Goa. ... Petitioner

versus

1. State of Goa,
Through its Chief
Secretary, Government
of Goa, Secretariat,
Panaji-Goa.

2. The Joint Secretary
(Administrative Reforms
Deptt.) Secretariat, Alto
Porvorim, Goa.

3. The Under Secretary(Personnel),
Government of Goa,
Secretariat, Alto Porvorim, Goa.

4. Goa Surplus Staff Cell,
Personnel Department,
Through the Chief Secretary,
Secretariat, Alto Porvorim,
Bardez-Goa.

5. The Director of Transport,
Government of Goa,
Junta House, 1st floor,
Panaji Goa. ... Respondents

Mrs. A. A. Agni, Advocate for the Petitioner/Applicant.

Mr. S. S. Kantak, Advocate General with Ms. L. Dharwadkar, Additional Government Advocate for the Respondent Nos.1 to 4 and 10.

CORAM : A. P. LAVANDE &
N. A. BRITTO, JJ.

DATE : 1ST MAY, 2006.

ORDER(Per N. A. Britto, J.)

Heard the learned Counsel Mrs. A. A. Agni appearing on behalf of the petitioner/applicant and the learned Advocate General Mr. S. S. Kantak appearing on behalf of the respondent nos.1 to 4 and 10.

2. The petition was admitted on 2-5-2005 and it was ordered that the appointments of respondent nos.5 to 9 would be subject to the result of the petition. Since then the Directorate of Transport has published an advertisement on 1-4-2006 for

filling up 4 vacancies for the posts of Assistant Motor Vehicle Inspectors out of which one post is reserved for O.B.C. By Order dated 2-12-2005 the petitioner was re-deployed as Assistant Motor Vehicle Inspector in the Directorate of Transport and was relieved by Order dated 12-12-2005 and was directed to report to the Directorate of Transport, Panaji and although the petitioner submitted a Joining Report on 12-12-2005 it appears that he was not given any posting nor permitted to sign the muster roll nor was paid any salary and subsequently by Order dated 7-3-2006 the petitioner was retained as a Junior Engineer in Water Resources Department. By application dated 28-3-2006 the petitioner has prayed that he be given a posting in the Directorate of Transport as Assistant Motor Vehicle Inspector and by application dated 7-4-2005 the petitioner has prayed for stay of the recruitment process pursuant to advertisement dated 1-4-2006.

3. Mr. Kantak, the learned Advocate General on behalf of the respondent nos.1 to 4 and 10 has assured us that the payment of the petitioner would be done along with the payment of his salary for the month of April, 2006. The contention of the

petitioner is that once the petitioner was posted as Assistant Motor Vehicle Inspector in the Directorate of Transport the petitioner ceased to be surplus staff and, therefore, could not be re-deployed in Water Resources Department. The contention of the respondent nos.1 to 4 is that the Government had taken a policy decision in the year 2002(2001?) to make recruitment to the posts of Motor Vehicle Inspectors by direct recruitment and the said re-deployment was made inspite of the said decision by the Government taken in 2002 not to deploy surplus staff to the post of Motor Vehicle Inspector by direct recruitment and since the Order dated 2-12-2005 was passed contrary to the said decision of the State Government, the State Government decided to cancel the said Order of re-deployment of the petitioner along with two others and retain them in the Water Resources Department for the purpose of re-deployment in future vacancies in other departments.

4. Since the petition was admitted on 2-5-2005 and the appointments of respondent nos.5 to 9 were made subject to the result of the petition, we are not inclined to grant any further reliefs to the petitioner. Needless to observe that any vacancies

to be filled in pursuant to the advertisement dated 1-4-2006 would also be subject to the result of the petition and this the respondent nos.1 to 4 would make it clear to the candidates who would be selected pursuant to the said advertisement when they are given offers of appointment. The petitioner has no other option but to report back to his parent department namely Water Resources Department and work there in terms of Order dated 7-3-2006 till his petition is decided and/or the petitioner is re-deployed in other department, as per the said Order dated 7-3-2006. It is to be noted that the Order dated 2-12-2005 was never given effect to and the petitioner had at no time worked as an Assistant Motor Vehicle Inspector and the said Order dated 2-12-2005 has been subsequently modified by Order dated 7-3-2006.

5. With the above observations, the applications dated 28-3-2006 and 7-4-2006 shall stand disposed of with no order as to costs.

A. P.LAVANDE, J.

N. A. BRITTO, J.

RD